

ATTORNEY'S DOCKET NUMBER: 26979U

MAIL STOP PCT

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: SEPTEMBER 21, 2005
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLN. NUMBER: (if known): Not Yet Assigned 10/550189
INTERNATIONAL APPLICATION NUMBER: PCT/IL2004/000296	INTERNATIONAL FILING DATE: 31 March 2004	PRIORITY DATE CLAIMED: 3 April 2003 (03.04.2003) IL
TITLE OF INVENTION: IMPLANT FOR TREATING IDIOPATHIC SCOLIOSIS AND A METHOD FOR USING THE SAME		
APPLICANT(S) FOR DO/EO/US: SIMANOVSKY, Naum		

Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☒ This is an express request to begin national examination procedures (35 USC 371(f))
The submission must include items (5), (6), (9) and (21) indicated below.
- ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)):
 - ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - ☐ has been communicated by the International Bureau.
 - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
- ☐ A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - ☐ are attached hereto (required only if not transmitted by the International Bureau).
 - ☐ have been communicated by the International Bureau.
 - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ A translation of the annexes to the International Preliminary Examination Report under PCT article 36 (35 U.S.C. 371(c)(5)).

ITEMS 10 to 19 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A **FIRST** preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment
- ☐ A substitute specification.
- ☐ A change of power of attorney and/or address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825
- ☐ A second copy of the published international application under 35 USC 154(d)(4)
- ☐ A second copy of the English language translation of the international application under 35 USC 154(d)(4)
- ☒ Other items or information:

TRANSMITTAL LETTER; INTERNATIONAL PUBLICATION NO.: WO 2004/086982 A2; INTERNATIONAL PUBLICATION DATE: 14 OCTOBER 2004; WHICH CONSISTS OF 34 PAGES: 2 PAGES FOR THE COVER SHEET, 20 PAGES OF TEXTUAL SPECIFICATION, 5 PAGES OF 21 CLAIMS, 0 SHEETS OF AN ABSTRACT, 7 SHEETS OF DRAWINGS; **PRELIMINARY AMENDMENT WITH ATTACHMENTS A AND B TO BE EXAMINED**; UNEXECUTED DECLARATION AND POWER OF ATTORNEY; INTERNATIONAL PUBLICATION NO.: WO 2004/086982 A3; INTERNATIONAL PUBLICATION DATE: 14 OCTOBER 2004; WHICH CONSISTS OF THE INTERNATIONAL SEARCH REPORT (PCT/ISA/210); POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER REQUEST.

10/550189

JC05 Rec'd PCT/PTO 21 SEP 2005

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U.S. APPLICATION NUMBER: (If known): Not Yet Assigned		INTERNATIONAL APPLICATION NUMBER: PCT/IL2004/000296		DATE: SEPTEMBER 21, 2005	
The following fees are submitted:				CALCULATIONS	PTO USE ONLY
20. Basic National Fee \$ 300.00				\$ 300.00	
21. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) \$ 100.00 All other situations \$ 200.00				\$ 200.00	
22. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office \$ 400.00 All other situations \$ 500.00				\$ 400.00	
— Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 900.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00	
CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE		
TOTAL	21-20=	1	X \$ 50.00	\$ 50.00	
INDEPENDENT	1- 3=	0	X \$ 200.00	\$ 0.00	
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 950.00	
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$ -475.00	
SUBTOTAL =				\$ 475.00	
Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 475.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 475.00	
				Amount to be: refunded	\$
				charged	\$

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JC05 Rec'd PCT/PTO 21 SEP 2005

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U.S. APPLICATION NUMBER: (If known): Not Yet Assigned	INTERNATIONAL APPLICATION NUMBER: PCT/IL2004/000296	DATE: SEPTEMBER 21, 2005
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a. ☒ A check in the amount of \$ 475.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account Number: 14-0112 in the amount of \$ to cover the above fees. (A duplicate copy of this sheet is enclosed.)

c. ☒ The Commissioner is hereby authorized to charge any additional fees, which June be required, or credit any overpayment to Deposit Account Number: 14-0112.

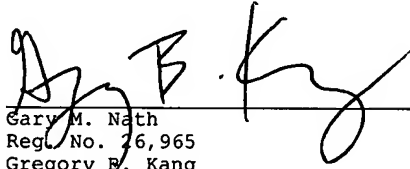
d. ☐ Fees are to be charged to a credit card ☐ WARNING: Information on this form June become public ☐ Credit Card Information should not be included on this form.
☐ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

Gary M. Nath
NATH & ASSOCIATES PLLC
1030 15th St., N.W., 6th Fl.,
Washington, D.C. 20005-1503

(202) 775-8383 (phone)
(202) 775-8396 (fax)



Gary M. Nath
Reg. No. 26,965
Gregory B. Kang
Reg. No. 45,273
Customer No. 20529

10/550189

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Attorney Docket: 269790

IN THE UNITED STATES PATENT

JC05 Rec'd PCT/PTO 21 SEP 2005

In re Application of:

SIMANOVSKY

Serial No.: Not Yet Assigned

Filed: September 21, 2005

Internatl. Appl. No.: PCT/IL2004/000296

Internatl. Filing Date: 31 March 2004 (31.03.2004)

Title: **IMPLANT FOR TREATING IDIOPATHIC SCOLIOSIS AND A METHOD FOR USING THE SAME**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

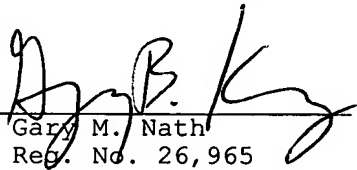
Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (2) International Publication No.: WO 2004/086982 A2; International Publication Date: 14 October 2004; which consists of 34 pages:
 - 2 pages for the Cover Sheet,
 - 20 pages of Textual Specification,
 - 5 pages of 21 Claims,
 - 0 sheets of an Abstract,
 - 7 sheets of Drawings;
- (3) **Preliminary Amendment with Attachments A and B to be Examined;**
- (4) Unexecuted Declaration and Power of Attorney;
- (5) International Publication No.: WO 2004/086982 A3; International Publication Date: 14 October 2004; which consists of the International Search Report (PCT/ISA/210);
- (6) Check No.: 23665 in the Amount of \$ 475.00 for the Basic Filing Fee, which includes the Search and Examination Fees (\$450.00), and for 1 Total Claims over 20 (\$25.00), as a Small Entity;
- (7) Postcard for Early Notification of the Serial Number Request.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: September 21, 2005

By:


Gary M. Nath
Reg. No. 26,965
Gregory B. Kang
Reg. No. 45,273
Customer No. 20529

NATH & ASSOCIATES PLLC
1030 15th St., N.W., 6th Fl.,
Washington, D.C. 20005-1503
Tel: 202-775-8383
Fax: 202-775-8396

GMN/GBK/1e (Appl.NP)